

REMARKS

Applicant appreciates the careful examination given to the Application as reflected in the Office Action mailed March 21, 2005. Reconsideration and favorable action in this Application is respectfully requested.

Claims 1-65 remain pending in this Application; claims 1-65 are rejected.

Claims 51, 52 and 64 has been amended to correct typographical errors.

§ 102 (e) Rejection of Claims.

The Office Action rejects claims 1, 21-24, 28-33 and 35 under 35 U.S.C. §102(e) as being anticipated by *Maudlin* (20040075697 A1) and therefore unpatentable. Applicant traverses the rejection of claims 1, 21-24, 28-33 and 35.

The *Maudlin* reference could qualify as prior art to the Application under §102(e) if the effective prior art date of the *Maudlin* reference was before the application date of the invention disclosed in the Application. A U.S. publication of a patent application is considered prior art under 35 U.S.C. §102(e) as of the effective filing date of the reference. *See*, 35 U.S.C. §102 (e), MPEP §706.02(a). The *Maudlin* reference became possible prior art, when it became published, as of the effective date of its filing, October 16, 2002. The filing date of the Application was October 22, 2003. Because the *Maudlin* reference was filed before the Application, it is considered prior art under §102(e) unless Applicant can prove he invented the invention disclosed and claimed in the Application before October 16, 2002.

Rule 1.131 allows an applicant to submit a declaration to antedate a reference that qualifies as prior art under 35 U.S.C. §102(e), where “the reference has a prior art date under 35

U.S.C. §102(e) prior to the applicant's effective filing data, and shows but does not claim the same patentable invention." MPEP §715; 37 C.F.R. 1.131.

The *Maudlin* reference does not claim the same patentable invention as in the Application. The *Maudlin* referenced is directed towards a GIS (Graphical Information System) while the Application is directed towards an apparatus and method for displaying subsurface anomalies and surface features with spatial synchronization.

Applicant submits a declaration pursuant to Rule 1.131 to successfully antedate the *Maudlin* reference, which is attached hereto as Exhibit 1. The *Maudlin* reference has an effective filing date of October 16, 2002, while the filing date for the Application is October 22, 2003. Applicant has declared and provided sufficient evidence to support the allegation that he conceived of the invention disclosed in the application and actually reduced the invention to practice before October 16, 2002. Since Applicant's Declaration effectively antedates the *Maudlin* reference, the *Maudlin* reference should no longer be used to reject claims 1, 21-24, 28-33 and 35. Therefore Applicant respectfully requests that the rejection of claims 1, 21-24, 28-33 and 35 be withdrawn under 35 U.S.C. §102(e).

§ 103(a) Rejection of Claims.

The Office Action rejects claims 2, 7, 10, 12, 17, 19, 26, 27, 36-41, 43, 46-50, 55, 57-60, 63 and 65 under 35 U.S.C. §103(a) as being unpatentable over *Maudlin* in view of *Gibbs, et al.* (5,729,451 A). The Office Action further rejects claims 3-6, 8, 9, 11, 13-16, 18, 20, 25, 34, 42, 44, 45, 51-54, 56, 61, 62 and 64 under 35 U.S.C. §103(a) as being unpatentable over *Maudlin* in view of *Gibbs* and further in view of applicant's own disclosure admissions. Applicant

respectfully traverses the rejection of claims 2, 7, 10, 12, 17, 19, 26, 27, 36-41, 43, 46-50, 55, 57-60, 63 and 65 and claims 3-6, 8, 9, 11, 13-16, 18, 20, 25, 34, 42, 44, 45, 51-54, 56, 61, 62 and 64

As discussed above, a declaration pursuant to Rule 1.131 has been submitted by the inventor which effectively antedates the *Maudlin* reference. Therefore, the *Maudlin* reference should no longer be used to reject claims 2, 7, 10, 12, 17, 19, 26, 27, 36-41, 43, 46-50, 55, 57-60, 63 and 65 and claims 3-6, 8, 9, 11, 13-16, 18, 20, 25, 34, 42, 44, 45, 51-54, 56, 61, 62 and 64. Applicant respectfully requests that the rejection of claims 2-20, 25-27, 34, 36-43, 46-50, 55, 57-60 under 35 U.S.C. §103(a) as being clearly obvious over *Maudlin* in view of *Gibbs* claims 2, 7, 10, 12, 17, 19, 26, 27, 36-41, 43, 46-50, 55, 57-60, 63 and 65 and claims 3-6, 8, 9, 11, 13-16, 18, 20, 25, 34, 42, 44, 45, 51-54, 56, 61, 62 and 64 further in view of applicant's own disclosure admissions be withdrawn.

CONCLUSION

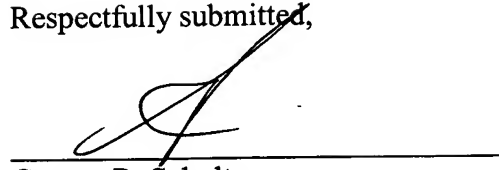
It is submitted that claims 1-65 are in condition for allowance because Applicant has antedated the *Maudlin* reference which is used to reject claims 1-65. Applicant, now believes that the claims are in condition for allowance.

Claims 51, 52 and 64 has been amended to correct typographical errors.

Applicant respectfully requests reconsideration of the Application and earnestly solicits allowance of the claims. Should it facilitate allowance, the Examiner is invited to telephone the undersigned attorney.

Dated: September 16, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'G. Schultz', is written over a horizontal line.

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